

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 03-10387-DPW
)
 EARL CHARLEY)

ASSENTED-TO MOTION TO CONTINUE SENTENCING

Defendant, Earl Charley, hereby moves to continue the sentencing hearing in the above-entitled matter, presently scheduled for June 13, 2005, to September 1, 2005 at 2:30 p.m. As reasons therefore, counsel states the following:

1. The Court appointed the Federal Defender Office to represent the defendant. The case was originally assigned to Leo Sorokin, Esq., who litigated a Motion to Suppress Evidence.
2. The case was subsequently transferred to Miriam Conrad, Esq. upon attorney Sorokin's appointment as a Magistrate Judge. Attorney Conrad represented defendant at the Rule 11 hearing.
2. Attorney Conrad was recently appointed Federal Defender for the Districts of Massachusetts, New Hampshire and Rhode Island. Attorney Conrad's new position and associated administrative duties require that she reassign much of her existing caseload.
4. The instant matter was reassigned to undersigned counsel and counsel filed a Notice of Appearance on May 4, 2005.
5. Counsel has met with defendant and the Probation Department has completed the presentence interview. Because of the rapidly changing issue of counsel, however, the interview could not be conducted in an timely enough manner for the Probation Office to reliably adhere to the Court's procedural order regarding disclosure of the draft report.

6. Although only a relatively brief continuance is necessary for counsel to familiarize himself with the file and for Probation to comply with the disclosure timetable, counsel's and the Court's leave schedules, as well as both counsel's prior commitments to other matters, prevent rescheduling of the sentencing hearing to a date any earlier than September 1, 2005.
7. The Speedy Trial Act does not apply to this Motion as defendant has already pled guilty.
8. The government, by and through Assistant U.S. Attorney Christopher Bator, assents to this motion.

EARL CHARLEY
By his attorney,

/s/ Timothy G. Watkins
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